IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CrRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3780 OF 2006.

Shri Kakaso Tatoba Shinde ..Applicant
V/s
The State of Maharashtra ..Respondent.

Mr.Amit Sale for the applicant
Smt. M.H. Mhatre,APP for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 13TH OCTOBER, 2006.

P.C.

1. The applicant apprehends his arrest in the light of the order passed by the learned Sessions Judge, Sangli on 21st August, 2006. The application before the Sessions Judge was made because the applicant was apprehending arrest after a non-bailable warrant was issued by the trial Court.

2. Mr. Sale appearing for the applicant, states that it is not disputed that the applicant is accused before the learned Judicial Magistrate, F.C.. The complaint against him is Criminal Case No. 557/2002 alleging offence punishable under Section 138 of

Negotiable Instruction Act. The trial Court observed the Course of conduct on the part of the applicant/accused in remaining absent on alternate dates. It is in such circumstances, that the trial Court as a last resort issued non-bailable warrant. This was to secure the presence of the applicant-accused. The matter was fixed for recording his statement under Section 313 of Criminal Procedure Code. The trial was virtually over. It is to secure his presence for expeditious disposal of the criminal case, that the non-bailable warrant was issued and therefore, in the opinion of the Learned Sessions Judge no case was made out for anticipatory bail. However, Mr. Sale submits that the applicant had indeed a genuine reason for not remaining present and that was his wife’s pregnancy and subsequent illness. He states that the applicant is present in Court and undertakes to remain present on the dates now fixed by the trial Court for recording of his statement, so also further proceedings unless exempted by the trial Court.

3. Normally, one should not interfere with such orders passed as they are for securing the presence of the accused and for expeditious disposal of the case.

However, in the light of the undertaking given by the applicant through his Counsel before me, I pass the following order:-

. Non-bailable warrant issued against the applicant is cancelled on his undertaking to remain present before the trial Court on 19th October, 2006 at 11.00 a.m. and thereafter, on dates subsequent thereto, unless exempted by the Trial Court. Since non-bailable warrant itself is being cancelled by me, it is not necessary to pass separate orders on this anticipatory bail application.

. Needless to state that on account of cancellation of the warrant which is non-bailable, there is no apprehension of any arrest. Application disposed of.

(S.C. DHARMADHIKARI, J.)